New Orleans States-Item
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WHEN EXPOSING KEEP GLASS SIDE UP

*Retirement Application*

# O'Hara Ruling Appeal Seen

Attorneys for Criminal District Court Judge Malcolm V. O'Hara are expected to appeal yesterday's ruling denying the judge's application for retirement.

The decision, by O'Hara's nine fellow criminal district court judges, would be appealed to the Louisiana Supreme Court.

Judge O'Hara had requested retirement on the basis of mental incapacity. The other judges rejected the request after a hearing in which four psychiatrists testified that Judge O'Hara's state of chronic depression will likely never allow him to discharge his duties as a judge.

Approval of the retirement request would have given the 48-year-old judge a lifetime pension of about $22,000 a year. Judge O'Hara, who has been a patient at DePaul Hospital since Feb. 21, will continue to receive his full salary of $34,000 annually.

His term expires Dec. 31.

Three court-appointed psychiatrists who testified yesterday before the other criminal court judges confirmed earlier testimony by Judge O'Hara's two psychiatrists.

One of O'Hara's doctors, Dr. Tarver H. Butler, also testified yesterday, in addition to the three court-appointed psychiatrists, Dr. Michael Connell, Dr. Kenneth A. Ritter and Dr. Henry H. W. Miles.

The psychiatrists testified that:

—There is an indication Judge O'Hara has suffered brain damage which is irreversible.

—They were not able to determine what brought on the mental state or when the depression began.

—It is conceivable that alcohol could have caused the brain damage but other possible causes exist.

—The brain damage will make it even less likely that anything can be done about the depression.

—Judge O'Hara is not "psychotic or insane."

—The judge has improved since he was admitted to DePaul but his illness is of a permanent nature.

The decision to deny Judge O'Hara's pension request was announced by Judge Bernard J. Bagert. Neither the reasons for the decision nor the vote by which it was reached were announced.

Attorney George W. Reese, who represents Judge O'Hara along with Guy Johnson, said the attorneys will apply for writs of review of the decision from the state Supreme Court, ending approval by Judge O'Hara.

Reese said the basis of appeal will be a contention that the Louisiana Constitution makes it mandatory for the judges to relieve a fellow judge who is mentally or physically incapacitated to perform his duties.